

City Council Minutes for March 16, 1998

6. Standard drainage and utility easement be shown on the final plat on front, side and rear lot lines of all lots (Sec. 16.09) except as follows: 25 foot utility easement be provided along the south property line of Outlot A, Ceridian Addition.
7. Alterations to utilities be at the developer's expense.

MN Investment Fund
Grant Application &
EAW Submission
Item 4.3B

Motion was made by Ramthun, seconded by Heintzeman, and all present voting aye, to continue to the April 6, 1998 Council meeting a public hearing for an application by Ceridian for a Minnesota Investment Fund Grant and consideration of authorizing the submittal of the Environmental Assessment Worksheet to the Minnesota Environmental Quality Board.

Vacation of Easements -
8001 28th Avenue South
Item 4.3C

Motion was made by Ramthun, seconded by Heintzeman, and all present voting aye, to adopt an ordinance vacating all easements for drainage and utility purposes over and across all of Lot 2, Block 1, VTC Addition, 8001 - 28th Avenue South.

Temporary Conditional
Use Permit - 8100
Pillsbury Avenue
Case 10378A-97
Item 5.1

The Council was requested to consider a temporary conditional use permit for outdoor storage of construction equipment at 8100 Pillsbury Avenue South. Planning Manager Clark Arneson provided background information on the nature of the business at this site and the work of staff with the applicant to bring forward this application. Mr. Arneson reviewed site deficiencies which include no landscape yard, no screening along either 81st Street or Pillsbury Avenue, and existing parking in the right-of-way. Mr. Arneson noted this business is located within a redevelopment area and commented on the difficulty in achieving Code compliance with many of the small lots in this area. He then presented the Planning Commission recommended plan which calls for a 20 foot landscape yard on Pillsbury, a ten foot fence on Pillsbury, a six foot fence on 81st Street with an eight foot yard, and all equipment parking in the gravel area.

Joel Pietig, the applicant, requested keeping existing curb entrance on 81st Street, parking space for four vehicles in front of the building, and a three foot setback along 81st Street.

In response to questions, Mr. Arneson clarified several variances would be necessary for the plan presented by Mr. Pietig, that many of the businesses in this area have a paved parking area in the right of way, no on-street parking is allowed on Pillsbury, and that many businesses in the area are non-Code complying and Staff will begin enforcement of those properties at the direction of the Council. Mr. Pietig addressed concerns of past violations on the site. Councilmember Wilcox requested staff to look at other situations in the neighborhood where businesses do not have site access from the back of the site.

Following discussion, motion was made by Winstead, seconded by Wilcox, and all present voting aye, to approve a one year temporary conditional use permit for the outdoor storage of construction equipment at 8100 Pillsbury Avenue South, subject to the following conditions set forth by the Planning Commission:

1. No on-street parking allowed.
2. No exterior storage of construction materials and debris allowed.
3. Yards along public streets be provided as follows:
 - A. 20 foot yard (measured from the property line) along Pillsbury Avenue.
 - B. 8 foot yard (measured from the property line) along West 81st Street.
4. A 10 foot solid fence be constructed along the 20 foot setback line along Pillsbury Avenue.
5. A 6 foot solid fence be constructed along the 8 foot setback line along West 81st Street.
6. Landscape plan be approved by the Planning Manager.
7. No parking permitted in the 20 foot yard or boulevard along Pillsbury Avenue or in the 8 foot yard or boulevard along West 81st Street.

98th Street
Case 7332A-98
Item 5.2
R-98-40

Planning Manager Clark Arneson clarified the applicant's request for a 61 foot sign area for an existing sign at Loehmanns Plaza by 61 feet to include a sign for a Famous Dave's restaurant. Mr. Arneson clarified before the Council this evening is only the sign request not the final site plan for the proposed restaurant.

City Council Minutes for April 5, 1999

Temporary Conditional
Use Permit – 8100
Pillsbury Avenue
Case 10378A-99
Item 5.2

Motion was made by Spies, seconded by Bianchi, and all voting aye, to approve a three year temporary conditional use permit for the outdoor storage of construction equipment at 8100 Pillsbury Avenue, subject to the following conditions set forth by the Planning Commission and Planning Staff:

1. No on-street parking allowed.
2. No exterior storage of construction materials and debris allowed.
3. No parking be allowed in the 20 foot yard area along Pillsbury Avenue and the 8 foot yard along West 81st Street.
4. The 6 foot privacy fence along West 81st Street and 10 foot privacy fence along Pillsbury Avenue be maintained.

Conditional Use Permit
ISD #271
Case 7528A-99
Item 5.3

Motion was made by Bianchi, seconded by Wilcox, to approve a conditional use permit for outdoor storage of school buses by Independent School District (ISD) #271 as a primary use at 8801 Lyndale Avenue South. Jerry Gilkeson, 8520 Emerson Avenue, expressed concerns of Planning Commissioners involved in this proposed development, no required screening of the use, and existing site access. Ornat clarified Planning Commissioners Bump and Abrams abstained from this item when it was before them, and Mayor Houle requested the Planning Commissioners be reminded to leave the room when abstaining from an item.

Lee Miller, 516 Halsey Lane, stated he lives adjacent to the property and did not receive notice of the hearings on this item, and presented concerns of diesel fumes, noise and screening. Due to concerns of hearing notification and the comments of Mr. Miller, Bianchi and Wilcox withdrew their motion and second.

Amy Marr Grady of Peterson Real Estate indicated the applicant has been able to bring the property into compliance, and responded to questions of the water table level and siting of fuel storage tanks on the property.

At the request of the Council, City Attorney Dave Ornstein recommended the Council table this item for two weeks so City staff, ISD 271 staff and the affected property owner can discuss minimizing impacts on the adjacent property. Motion was made by Bianchi, seconded by Wilcox, and all voting aye, to continue this item to the April 19, 1999 City Council meeting.

Variances, Conditional
Use Permit and Final
Site & Building Plans –
Microtel Inn
Case 5319ABC-99
Item 5.4ABC
R-99-31

The Council was requested to consider variances to and a conditional use permit for a hotel at 801 East 78th Street. Planning Manager Clark Arneson explained the two site plan options for the hotel, and presented the Staff and Planning Commission recommendation for Option A. He explained a side yard setback variance, to 15 feet, is necessary for this option, and noted a similar condition was granted by the Council for the adjacent Holiday Inn swimming pool addition. Mr. Arneson referenced a revised resolution and additional condition of approval handed out this evening.

Jim Dueholm of Faegre & Benson, representing RFS Partnership, owner of the Holiday Inn Express hotel, spoke in opposition to the variance and conditional use permit. In his objection, Mr. Dueholm stated the proposed building will present a problem to the use of the restaurant adjacent to the Holiday Inn to the detriment of the hotel and restaurant, and referenced State Statute which allows granting a variance only if withholding the variance would cause undo hardship and the property cannot be put to reasonable use without the variance. In response, City Attorney Dave Ornstein referenced 1989 and 1995 Court cases regarding the issue of undue hardship and reasonable use, and discussed circulation limitations on the property and the difficulties the property owner would encounter building within the setback requirements. Mr. Ornstein indicated he believes there is a sufficient and justifiable basis for granting the variance.

In response to Council questions, Mr. Arneson indicated the existing site plan for this development would be the same under a Planned Development designation and commented on the cost difference for a rezoning and a variance.

Item 4.1 continued

Speaker #1: Gary E. Strand, Applicant

Responding to Winstead's inquiry regarding if the violation that resulted in a failure to appear and pay fines occurred while driving in his cab or in his personal vehicle, Strand stated that it was while in his personal vehicle and that the judgment was due to an accident that occurred in 1996. He stated that he has been paying on the judgment and that approximately \$1,000 remains to be paid. He stated that he was licensed to drive cab in Minneapolis from 1992-1995 but that he is currently not licensed to drive a cab in any community.

Winstead stated that he is uncomfortable with the layering of infractions and the applicant's failure to pay fines.

Harden commented that there have been moving violations and an accident six years ago, however, since then the applicant's problems appear to be more of a financial nature.

Closed Public
Comment Period

The Mayor asked if anyone else wished to address the Council during the public comment period or it would be closed. No one came forward to speak and the public comment period was closed.

Postponed to August 5
the Hearing for the 2002
Assessment Roll No. 3
for the 2000-301 Street
and Utility Project
Item 4.2

Motion was made by Peterson, seconded by Wilcox, to postpone to the August 5, 2002, Regular Council meeting, the hearing for the 2002 Assessment Roll No. 3 for the 2000-301 Street and Utility Project, which involved construction of sewer, storm sewer, water main, curb and gutter and/or permanent surfacing on East 105th Street Circle from the west line of Dakota Bluffs 3rd Avenue and construction of an access road on 3rd Avenue in order to allow staff time to discuss the proposed assessments with those property owners wishing to do so. Motion passed 6-0-1 (Harden temporarily absent).

Peterson stated that he received a call from home owner Richard Elasky regarding his assessment and was reminded of the discussion that Council had previously when the project was ordered.

Bernhardson stated that the hearing was advertised for this evening but anyone wishing to express a disagreement with the proposed assessment should do so tonight. He stated the item would then be continued in order to allow staff time to address those concerns individually.

Speaker #1: Richard Elasky, 171 East 105th Street

He stated he would appreciate the opportunity to meet with staff to discuss this matter before the Council makes a decision on the Assessment Roll. He did inquire if his intent to file a letter of objection preserving his right to appeal in District Court would still be valid in two weeks if this item is continued tonight.

Ornstein explained that Mr. Elasky's rights would still be preserved even if the item were to be tabled for two weeks. In order to allow staff adequate time to meet with the property owner, it was suggested that the item be tabled for one month.

Approved Renewal of a
Three-Year Temporary
Conditional Use Permit
for Outside Storage at
8100 Pillsbury Avenue
South for Joel Pietig
Case 10378A-02
Item 4.3

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the renewal of a three-year temporary conditional use permit for the outdoor storage of construction equipment at 8100 Pillsbury Avenue South, Case 10378A-02, for Joel Pietig subject to the following 4 conditions as set forth by the Planning Division Staff and the Planning Commission:

1. No on-street parking allowed;
2. No exterior storage of construction materials and debris allowed;
3. No parking allowed in the 20 foot yard along Pillsbury Avenue and the 8-foot yard along West 81st Street; and
4. The six-foot privacy fence long West 81st Street and 10-foot privacy fence along Pillsbury Avenue be maintained.

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Item 4.3 continued

Planner Sheila O'Bryan explained that this public hearing is being held as a resident at 8127 Pillsbury Avenue is objects to the applicant's temporary conditional use permit for outdoor storage. She explained that for four of the twelve years, the applicant has had a temporary conditional use permit in order to allow outdoor storage as the primary use of the property. She explained that the applicant has maintained the fencing along Pillsbury Avenue and along 81st Street as was required as a condition for screening in 1998. She stated that no formal complaints had been filed until the one brought up at the June 6 Planning Commission meeting relating to commercial traffic, condition of the area, and the number of storage locations in the area. She stated that staff believes the property has been properly maintained and that the applicant has followed the conditions previously set forth.

Abrams inquired if this was the neighborhood that was recently rezoned by Council. Upon learning that it is not, he suggested that because this is an issue the City has wrestled with over the years, different uses on top of each other, it would be better in the long-term if the problem could be corrected by zoning it either more residential or less residential.

Wilcox explained that there was a plan to try and fix this problem but that a lack of funding and effort to tackle the issue resulted in Council's recent decision to relax the zoning in the residential area, therefore, allowing improvements to be made to properties in that area. Based on history and knowing that the applicant has tried to clean up the area, he stated that he would support the three-year temporary conditional use permit and requested that the applicant continue to try and be a good neighbor to the residential properties across the street.

No public testimony was received.

~~Adopted an Ordinance
Vacating the City's
Certain Easement Rights
for Street and Roadway
Purposes for TCF,
Target, and City Parcels
Item 4.4A
O-2002-25~~

~~Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance vacating any easement rights the City may hold for public street and roadway purposes over the TCF, Target, and City parcels as described in certain documents cited in the vacation ordinance (the vacation is specific to the rights contained in the cited documents, so it does not affect any other existing easement rights of the City or any public or private utilities).~~

~~No public testimony was received.~~

~~Approved an Easement
Termination Agreement
with TCF and Target
Item 4.4B~~

~~Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an Easement Termination Agreement with TCF and Target (pursuant to this agreement, all three parties mutually agree to terminate any rights each party may have over the other's lands under the old driveway/street/roadway easement agreement).~~

~~No public testimony was received.~~

~~Adopted an Ordinance
Imposing an Additional
1% Lodging Tax
Effective August 1, 2002
Item 4.5A
O-2002-26~~

~~Motion was made by Harder, seconded by Peterson, and all voting aye, to adopt an ordinance authorizing an additional lodging tax in the amount of 1%, effective August 1, 2002, pursuant to law of Minnesota 2002, Chapter 307, Article 3, Section 20, Subdivision 1.~~

~~Ornstein explained that this ordinance is a result of the legislation that was recently passed authorizing an additional lodging tax up to one percent tax in Bloomington for the purpose of providing those proceeds to the Bloomington Convention & Visitors Bureau (BCVB) for the sole purpose of promoting the city as a tourist and convention center. He stated that the ordinance must be adopted in order to put the legislation into effect and that the Council can authorize any amount up to one percent and that it is currently receiving a one percent lodging tax that is used for the same purpose. He explained that the law also provides that if the BCVB ceases to perform the promotional activities, the tax automatically terminates. In addition, he stated that the Council must determine the date upon which the additional tax would become effective. Regarding the agreement, Ornstein stated that he believes the BCVB Board's primary concern was related to the termination of the agreement. He explained the current conditions under which the agreement can be terminated. Because the term of the agreement is for five years, staff has recommended that the City have the option to terminate the agreement unilaterally, for any reason, upon a specific time period. Another option that could be considered is that either party could terminate the agreement upon 180 days notice.~~

City Council Minutes for September 26, 2005

CITY OF BLOOMINGTON, MINNESOTA

APPROVED MINUTES

~~Approved Renewal~~

~~Class A Temporary Conditional Use Permit for Kassick Motors, Inc. at 1000 W. 94th Street Case 7073A-05 ITEM 5.2A~~

~~three-year Temporary Conditional Use Permit for Class II Motor Vehicle Sales at 1000 West 94th Street, Case 7073A-05, for Kassick Motors, Inc., subject to the following 8 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:~~

- ~~1. All signage must be consistent with Article X of the City Code;~~
- ~~2. No more than a total of 60 applicant inventory and tenant service vehicles are allowed be parked, displayed or stored outside on the site at any time without approval in writing by the Planning Manager and, of these, no more than 13 vehicles shall be parked, displayed or stored in the parking area immediately adjacent to the front of the building in striped parking spaces not to exceed 13 in number;~~
- ~~3. No more than four vehicles are allowed to be parked, displayed or stored at any time in four (4) striped parallel spaces on the street-side edge of the front parking/circulation drive area adjacent to the landscaped yard;~~
- ~~4. A minimum of five (5) standard signed and striped customer parking spaces must be maintained either in the front of the building or within the secured lot in the rear of the building and have approved directional signs to identify their location;~~
- ~~5. One "accessible-handicapped" parking space must be provided, properly signed, and maintained adjacent to and immediately beside east wall of the building. No other parking, display, or storage is allowed along the east side of the building, as that area is an approved circulation drive;~~
- ~~6. All trash collection and storage must occur in a designated area within the building as approved by the Fire Marshal;~~
- ~~7. A future renewal application for the temporary conditional use permit may be processed by the Hearing Examiner in accordance with Section 2.14(a)(1) when the application is determined to be in substantial conformance with the approved use and conditions; and~~
- ~~8. The temporary conditional use permit is valid only if the property complies with these conditions.~~

~~No public testimony was received.~~

~~Approved Interim Use Permit for Ace Concrete at 8100 Pillsbury Avenue Case 10378A-05 ITEM 5.2B~~

~~Motion was made by Peterson, seconded by Abrams, and all voting aye, to approve a three-year Interim Use Permit for the outdoor storage of construction equipment at 8100 Pillsbury Avenue South, Case 10378A-05, for Ace Concrete (Joel Pietig), subject to the following 6 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:~~

- ~~1. The existing screen fence be maintained;~~
- ~~2. No on-street parking allowed;~~
- ~~3. No exterior storage of construction debris allowed;~~
- ~~4. No parking allowed in the 20 foot yard along Pillsbury Avenue;~~
- ~~5. The area between the street and the fence be established as grass except for the area where the driveway enters the property; and~~
- ~~6. All loading and unloading occur within the fenced area and off of public streets.~~

~~No public testimony was received.~~

~~Adopted Resolution Approving Variances at 8641 Sandro Road for William D. Dean Case 10708AB-05 ITEM 5.2C1, 2 R-2005-112~~

~~Motion was made by Wilson, seconded by Peterson, and all voting aye, to adopt a resolution approving a variance to reduce the required setback for an amateur radio tower from 57 feet to 3 feet along the rear property line (Case 10708A-05) and a variance to reduce the required setback for an amateur radio tower from 57 feet to 40 feet along the side (southern) property line (Case 10708B-05) for William D. Dean at 8641 Sandro Road, subject to the following 4 conditions of approval being satisfied prior to the issuance of any building permits:~~

- ~~1. The property corners shall be marked for field inspection by the Building and Inspection Division;~~
- ~~2. An easement agreement shall be signed by the applicant and approved by the Director of Public Works.~~

ITEM 5.2A continued and subject to the following Code requirements:

1. Sewer Availability Charges be determined and satisfied;
2. Proof-of-parking and the revised front entry lighting shall satisfy the requirements of Sec. 21.301.07 of the City Code;
3. Signage shall comply with the requirements of Chapter 19, Article X of the City Code.

No public testimony was received.

**Approved a Three-Year Interim Use Permit for Park 'N Go of Minnesota, LLC
ITEM 5.2B**

Larry Lee provided the staff report stating the Council rezoned this property in 2005 and informed the property owner at that time it would allow this site to be used as a remote airport parking lot in the interim until a more permanent mixed-use development could take advantage of being adjacent to light rail transit. He stated the applicant is now applying for a three-year Interim Use Permit to continue the current use, which staff approves.

Elkins commented this land is not yet ripe for development and so this is a good way to park the land.

Lee stated the applicant provided a reasonable analysis of the market related to this application.

Motion was made by Elkins, seconded by Nordstrom, and all voting aye, to approve a three-year Interim Use Permit for a remote airport parking facility at 7901 International Drive, Case 8962A-08, for Park 'N Go of Minnesota, LLC, subject to the following 7 conditions of approval and 2 Code requirements as set forth by the Planning Division staff and the Planning Commission:

1. The remote airport parking facility shall have access only onto International Drive;
2. All landscaping and required screening shall be maintained during the term of the interim use permit;
3. The number of on-site parking spaces shall not exceed 1,355 spaces as approved in Case 8962A-03;
4. Maintenance shall be limited to minor service (oil changes and fluid replacement) and cleaning of vehicles used in conduct of the business;
5. No maintenance or cleaning of customer or employee vehicles shall be allowed;
6. The building(s) shall be removed when the use ceases;
7. Utility services shall be properly abandoned when the use ceases;

and subject to the following Code requirements:

1. All trash and recyclable materials be stored inside the principal building. (Sec. 19.51).
2. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4).

Speaker #1: Gary Gandrud, Representing the Applicant

He requested the City and Council speak to their consultant, as a three-year term depresses the

**Approved a Three-Year Interim Use Permit for Ace Concrete
ITEM 5.2C**

Larry Lee presented this staff report stating the application is for a three-year Interim Use Permit and it's recommended for approval. He added the City hopes within three years a more permanent use will be contemplated and forthcoming.

Speaker #1: Greg Pietig, Ace Concrete

He stated it's not a very big lot and yet the City wants to install curb and gutter. From a cost standpoint, he doesn't believe it makes sense to do that. As the lot is too small to build on, he stated it will probably have to be combined with another lot and he doesn't want to be forced out in three years.

Axtell inquired if this street is scheduled for any reconstruction in the future under the PMP (Pavement Management Program).

Lee replied Mr. Pietig has indicated no desire to make the improvements to his lot as the City has requested.

ITEM 5.2C continued

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a three-year Interim Use Permit for the outdoor storage of construction equipment at 8100 Pillsbury Avenue South, Case 10378A-08, for Ace Concrete (Joel Pietig), subject to the following 7 conditions of approval as set forth by the Planning Division staff and the Planning Commission:

1. The existing screen fence be maintained;
2. No on-street parking allowed;
3. No exterior storage of construction materials allowed;
4. No parking allowed in the 20 foot yard along Pillsbury Avenue;
5. The area between the street and the fence be established as grass except for the area where the driveway enters the property;
6. All loading and unloading occur within the fenced area and off of public streets; and
7. No more than three on-site covered refuse dumpsters be allowed and located along the east fence.

No public testimony was received.

**Approved a Certificate of Appropriateness to Remove a Class I Historic Building at 6820 Auto Club Road
ITEM 5.2D**

Larry Lee provided the staff report on this application by Bethany Fellowship, Inc. He stated Bethany applied to demolish this structure three years ago but the Council denied their request. He stated this time the Planning Commission added a condition that Bethany must submit an application to the federal government for a place on the National Register by April 2009. He added it is, however, very unlikely that this house will be designated as historic. He stated Bethany could find out within a few weeks if the answer is no.

Axtell inquired as to the cost for that application.

Lee replied staff doesn't know.

Grady requested an update on what has transpired since the Council last heard this.

Speaker #1: Tim Freeman, Bethany Fellowship Executive Vice President
He stated an article about the house and a picture of the barn was published. He reported several people came out to talk to them about the house. He stated they've been in discussions with the Bloomington Historical Society regarding how to gain some authenticity for the building, which resulted in their application to the National Historical Society. He added they've been looking for funding partners.

Grady inquired if they could afford to fix it they get approval from the National Historical Society.

Freeman replied yes because being on the National Historic Register would help their chances of getting a donor grant. He added the Minnesota Historical Society has to endorse the application.

Speaker #2: Larry Granger, Bloomington Historical Society (BHS)
He stated the BHS is interested in having this property remain in some form of public access. He stated there is a significant amount of rich history in this area. He reported the John Brown farm area includes 200 acres and it has some significance. He stated the building has significance due to the bluff top farming but the State Historical Society will determine if it's worthy of being on the National Register. The process gets to the in-depth history of the house and the area. He stated BHS is fine with this approval in the process as it moves forward. He stated the intent is not to take the house down but respect the property owner's rights. He stated BHS is looking for funding partners for the restoration of the building and that they'll move forward with the application process while looking ahead to the visioning process. He stated the potential use of the Brown House has to be looked at in the context of how it will fit into the future. He stated this process will be helpful in determining the building's future but added it's not up to the City to save or restore all of the historic properties within the community.

Bernhardson stated he appreciates the work of the Bloomington Historical Society but the house is currently in a state of disrepair so Bethany will need to determine if it's worth restoring.

City Council Minutes for July 2, 2012

CITY OF BLOOMINGTON, MINNESOTA

APPROVED MINUTES

**Adopted Resolution
Approving Conditional
Use Permit at 8908
Wentworth Ave. So.
for Brittany Radke
Case 6331A-12
ITEM 5.2C
R-2012-83**

Pease provided the staff report on an application by D. Engstrand Trust (owner) for a Conditional Use Permit (CUP) for a physical exercise facility (dance studio) at 8908 Wentworth Avenue South for Brittany Radke (user). He said the space to be used for a dance studio is located in an existing office/warehouse building and is recommended for approval by staff.

Motion was made by Baloga, seconded by Busse, and all voting aye, to adopt a resolution approving a Conditional Use Permit for an athletic training facility at 8910 Wentworth (8908 tenant address) for D. Engstrand Trust (owner) and Brittany Radke (user), subject to the following 3 conditions of approval as set forth by staff:

1. The Conditional Use Permit is limited to the 3,352 square foot floor area as shown in the plans in Case 6331A-12;
2. No recitals, group rehearsals or performances are allowed to take place at this location;
3. Total number of occupants within the dance studio space may not exceed 49 people, unless improvements are made that cause the Building and Inspections Division to increase the occupancy rating.

No public testimony was received.

**Approved 3-Year
Interim Use Permit for
Ace Concrete at 8100
Pillsbury Avenue
South
Case 10378A-12
ITEM 5.2D**

Pease provided the staff report on an application by Ace Concrete (Joel Pietig) for a three-year Interim Use Permit (IUP) for outdoor storage at 8100 Pillsbury Avenue South. He stated this is the applicant's third application for an IUP on this property, which is unusual. He stated because surrounding properties have IUPs that are due to expire in 2014, approval of this IUP should also be timed around the redevelopment opportunities that will be created by the expiration of several IUPs in this area. He stated all of these IUPs for outdoor storage would then expire in 2014. He stated the applicant would be allowed to use the property as it has been until August 24, 2014, at which time he would be required to submit Final Site and Building Plans in accordance with the City Code.

Baloga inquired if Code compliant plans would include paving of the alley and the installation of stormwater rain gardens.

Pease stated there is currently a gravel alley that might need to be paved in the future, which would create additional stormwater runoff. He explained the alley is used by trucks to access the two garages and the buildings but exit onto Pillsbury Avenue.

Wilcox mentioned the need to get some decent zoning in this area. He said it is currently three blocks of the worst zoning in the city.

Motion was made by Busse, seconded by Wilcox, and all voting aye, to approve a three-year Interim Use Permit for outdoor storage of construction trucks and equipment at 8100 Pillsbury Avenue South, Case 10378A-12, for Ace Concrete (Joel Pietig), subject to the following 9 conditions of approval as set forth by the Planning and Engineering Division staff and the Planning Commission:

1. The applicant must submit a phased improvement plan for approval by the Planning Manager. The phased improvement plan must provide for full Code compliance and include Final Site and Building Plan application and approval.
2. The Code complying improvements be constructed by August 24, 2014;
3. The existing screen fence must be maintained;
4. No on-street parking allowed;
5. No exterior storage of construction materials allowed;
6. No parking allowed in the 20-foot yard along Pillsbury Avenue;
7. The area between the street and the fence must be established as grass except for the area where the driveway enters the property;
8. All loading and unloading occur within the fenced area and off of public streets; and
9. No more than three on-site covered refuse dumpsters be allowed. The dumpsters must be located along the east fence.